

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

SHARON NETTLES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. 7:03-cr-22(HL)

ORDER

Petitioner Sharon Nettles is currently serving a 125 month prison sentence that this Court imposed in 2005. Proceeding pro se, she has filed with the Court a Motion to Reconsider Sentence (Doc. 221). For the following reasons, Petitioner's Motion is denied.

A district court does not have the inherent authority to modify an imposed prison sentence. United States v. Moreno, 421 F.3d 1217, 1219 (11th Cir. 2005); United States v. Ross, 245 F.3d 577, 586 (6th Cir. 2001); United States v. Barragan-Mendoza, 174 F.3d 1024, 1028 (9th Cir. 1999). Under 18 U.S.C. § 3582(c), a court can only modify a defendant's term of imprisonment in three situations: (1) upon motion of the Director of the Bureau of Prisons for the reasons specified in 18 U.S.C. § 3582(c)(1)(A); (2) to the extent permitted by statute or Federal Rule of Criminal Procedure 35; or (3) when the Sentencing Commission has reduced the guideline

range for the defendant's offense and made the reduction retroactive. 18 U.S.C. § 3582(c). There are two statutory exceptions to § 3582(c): (1) 28 U.S.C. § 2255, which authorizes a court to vacate, set aside, or correct the sentence of a prisoner whose sentence was imposed in violation of the Constitution or laws of the United States; and (2) 28 U.S.C. § 2106, which permits resentencing on remand from a court of appeals or the Supreme Court.

Here, none of the § 3582 (c) situations exist, and § 2106 is inapplicable. Also, Petitioner has not moved under § 2255.¹ As a result, this Court is without authority to modify her sentence. Petitioner's Motion is therefore denied.

SO ORDERED, this the 4th day of February, 2009.

s/ Hugh Lawson
HUGH LAWSON, Judge

dhc

¹Petitioner previously filed a Motion to Vacate Under § 2255 (Doc. 189). On June 11, 2008, this Court issued an Order (Doc. 219) denying her § 2255 Petition.